

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 9<sup>th</sup> day of June, two thousand fifteen.

Present:

Robert D. Sack,  
Gerard E. Lynch,  
*Circuit Judges,*  
Vernon S. Broderick,<sup>\*</sup>  
*District Judge.*

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American Civil Liberties Union, American Civil Liberties Union  
Foundation, New York Civil Liberties Union, New York Civil  
Liberties Union Foundation,

*Plaintiffs-Appellants,*

v.

14-42

James R. Clapper, in his official capacity as Director of National  
Intelligence, Michael S. Rogers, in his official capacity as Director  
of the National Security Agency and Chief of the Central Security  
Service, Ashton B. Carter, in his official capacity as Secretary of  
Defense, Loretta E. Lynch, in her official capacity as Attorney  
General of the United States, and James B. Comey, in his official  
capacity as Director of the Federal Bureau of Investigation,

*Defendants-Appellees.*

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<sup>\*</sup> The Honorable Vernon S. Broderick, of the United States District Court for the Southern District of New York, sitting by designation.

On May 7, 2015, this Court held that § 215 of the PATRIOT Act, see USA PATRIOT ACT of 2001, Pub. L. No. 107-56, 115 Stat. 272, 287 (2001) (codified at 50 U.S.C. § 1861), did not authorize the bulk telephone metadata program challenged by plaintiffs-appellants.

Section 215, along with certain other provisions of the PATRIOT Act, expired on June 1, 2015. See PATRIOT Sunsets Extension Act of 2011, Pub. L. No. 112-14, 125 Stat. 216 (2011). On June 2, 2015, Congress passed the USA FREEDOM Act, see USA FREEDOM Act of 2015, H.R. 2048, 114th Cong. (2015) (enacted); 161 Cong. Rec. S3444 (daily ed. June 2, 2015), which the President has signed into law, see USA FREEDOM ACT of 2015, Pub. L. No. 114-23, 129 Stat. 268 (2015). The USA FREEDOM Act amends § 215 in significant ways.

In light of these developments, it is hereby ORDERED that the parties are directed to submit supplemental briefs, not to exceed twenty pages in length, regarding the effect of the USA FREEDOM Act on the above-captioned case, and in particular whether any or all of the claims asserted by the plaintiffs-appellants have been rendered moot as a result of that legislation, by July 24, 2015.

It is further ORDERED that (1) issuance of the mandate in this action is hereby STAYED pending the parties' supplemental briefing, and (2) the deadline for submission of any petitions for rehearing is hereby extended until 14 days after the stay of the mandate has been lifted, absent further order of the Court.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

The image shows a handwritten signature in black ink that reads "Catherine O'Hagan Wolfe". The signature is written over a circular official seal. The seal is divided into two horizontal sections: the top half is red with the words "UNITED STATES" in white, and the bottom half is blue with the words "SECOND CIRCUIT" in white. There are small white stars on either side of the text in the blue section. The signature is written in a cursive style, with the first name "Catherine" and last name "Wolfe" being more prominent.